



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:

Frank R. ORTHOEFER

Application Number: 10/024,504

Filed: December 21, 2001

For: Rumen By-Pass Delivery System

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) Group Art Unit: 1615

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) Examiner: G. Kishore Ph. D.
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MAIL STOP PATENT APPLICATION

Commissioner for Patents
Alexandria, VA 22313-1450
Sir:

1615

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Response To Restriction Requirement and a Five Month Extension of Time

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a five-month extension of time under 37 C.F.R. § 1.136(a) for responding to the Office Action mailed on July 29, 2003, in the above-captioned patent application. Accordingly, it is respectfully requested that the time for response be extended up to January 29, 2004. A check is enclosed to cover the \$1,005.00 fee for the five-month extension of time.

REMARKS

Responsive to the Office Action mailed July 29, 2003, please consider the following remarks. The Examiner has designated the following as separate inventions:

1. Claims 1-23 are drawn to solid liquid crystal phospholipid compositions;
2. Claims 24-32 are, drawn to a process of making the composition by extruding.

Election With Traverse

Applicant hereby elects to prosecute the invention of Group 1 (Claims 1-23), directed to solid liquid crystal phospholipid composition with traverse. Moreover, it is submitted that the claims of the designated groups have not necessarily acquired a separate status in the art for examination purposes, notwithstanding possible different art

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classifications which may have been artificially assigned thereto in the U.S. Patent and Trademark Office. Art very relevant to the patentability of a solid liquid crystal phospholipid composition and a process of making the same, might very logically be found in the same art classes. The classification cited in support of the election requirement is merely used for cataloging purposes and it is not conclusive of the propriety of such a requirement. It is further submitted that an important advantage in pursuing just one application encompassing both, the phospholipid compositions and methods related thereto is that the examination work of the Patent and Trademark Office would be simplified, insofar as duplication of searching effort would be eliminated.

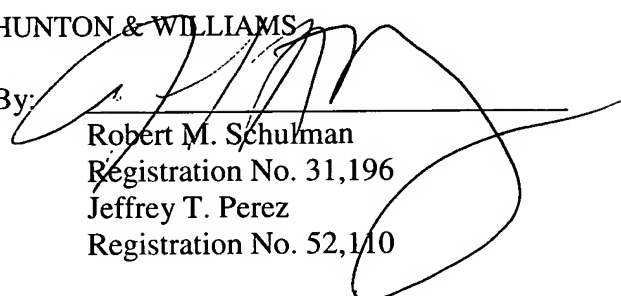
In view of the above remarks, it is thus respectfully requested that the restriction requirement be withdrawn and that all claims be allowed to be prosecuted in the same application. In the event that the requirement is made final, and in order to comply with 37 C.F.R. § 1.143, Applicant reaffirms the election of claims 1-23 (Group I), holding Group 2 in abeyance under the provisions of 37 C.F.R. § 1.142(b) until final disposition of the elected claims.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required now, or credit any overpayment, to Deposit Account No. 50-0206.

Respectfully submitted,

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